

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

**EXPEDITED PROCEDURE
UNDER 37 C.F.R. §1.116**

Hyo Sig JEAN

Serial No: 10/699,680

Group Art Unit: 2617

Confirmation No: 4923

Examiner: Casca, Fred A.

Filed: November 4, 2003

Customer No: 34610

For: SYSTEM AND METHOD FOR DORMANT CONTROL IN THE PACKET
DATA SERVICE NETWORK

**REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. §1.116**

U.S. Patent and Trademark Office
Customer Window, Mail Stop **AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

The following remarks are submitted in reply to the Final Office Action mailed on October 4, 2007, in connection with the above-identified application.

Claims 1-16 and 18-29 are pending.

In the Final Office Action, claims 1-10, 12, 14, and 20-29 were rejected under 35 USC § 103(a) based on a Julka-Athalye combination. This rejection is traversed for the following reasons.

The Athalye reference is a published U.S. Patent application. As such, its effective U.S. filing date when used as a reference is its U.S. filing date, taking into consideration any claims to

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domestic priority under 35 USC §§ 119(e) and 120. (See MPEP § 2136). The effective filing date of the Athalye publication is February 18, 2003.

Under the provisions of MPEP § 201.15, the Athalye publication may be antedated if the present application has an effective filing date earlier than the effective filing date of the Athalye publication. In the original application papers, Applicants claimed priority under 35 USC § 119 to Korean Patent Application No. 10-2002-0070736, which has a filing date of November 14, 2002. The effective filing date of the present application is therefore before the effective filing date of the Athalye publication.

In order to antedate the Athalye publication based on this earlier effective filing date of the present application, the following documents must be filed: (1) an English translation of a certified copy of the foreign priority document (Korean Patent Application No. 10-2002-0070736) and (2) a statement indicating that the translation is accurate. (See MPEP § 201.15). Applicants have submitted these documents with this paper.

With the filing of these documents, it is respectfully submitted that the Athalye publication has been removed as a reference against the claims in the present application. Accordingly, the § 103(a) rejections stands solely on the Julka publication.

As noted in Applicants' previous response, the Julka publication fails to teach or suggest at least the following features of claim 1: (1) the specific message indicating whether the mobile station supports a dormant function is a message different from a mobile origination message and (2) the determination of whether to conduct the dormant function is made not only based

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on dormant control information in the specific message but also based on service option information of the mobile station and a state of a dormant timer. These features are not disclosed by the Julka publication.

Based on these differences and the removal of the Athalye publication as a reference against the claims, Applicants submit that claim 1 and its dependent claims are allowable.

Applicants further submit that claims 7, 20, and their dependent claims are allowable based on the removal of the Athalye publication and the differences between these claims and Julka as set forth in Applicants' previous response.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and timely allowance of the application is respectfully requested.

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To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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